

STATE OF MICHIGAN
COURT OF APPEALS

JOHANNA WOODARD, Individually and as Next
Friend of AUSTIN D. WOODARD, a Minor, and
STEVEN WOODARD,

Plaintiffs-Appellants,

v

JOSEPH R. CUSTER, M.D.,

Defendant-Appellee,

and

MICHAEL K. LIPSCOMB, M.D., MICHELLE M.
NYPAVER, M.D., and MONA M. RISKALLA,
M.D.,

Defendants.

JOHANNA WOODARD, Individually and as Next
Friend of AUSTIN D. WOODARD, a Minor, and
STEVEN WOODARD,

Plaintiffs-Appellants,

v

UNIVERSITY OF MICHIGAN MEDICAL
CENTER,

Defendant-Appellee.

Before: Meter, P.J., and Talbot and Borrello, JJ.

METER, J. (*concurring in part and dissenting in part.*)

UNPUBLISHED
October 21, 2003

No. 239868
Washtenaw Circuit Court
LC No. 99-005364-NH

No. 239869
Court of Claims
LC No. 99-017432-CM

I concur with Judge Talbot's analysis of the expert witness issue. I concur with Judge Borrello's analysis of the res ipsa loquitur issue. I find moot the issue concerning the amended complaint because, given today's resolution of the res ipsa loquitur issue, the original complaint sufficiently contains the allegations necessary for plaintiffs to proceed with their claims. In other words, the doctrine of res ipsa loquitur merely provides plaintiff the means to prove the allegations in their original complaint.

Affirmed in part, reversed in part, and remanded for trial. We do not retain jurisdiction.

/s/ Patrick M. Meter